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SUBJECT: ARGENTINA: SUPREME COURT JUSTICE TO VISIT U.S. TO FURTHER
JUDICIAL REFORM

11. (SBU) SUMMARY: Argentina's Supreme Court President Ricardo Lorenzetti will travel to Washington and New York the week of May 19 for meetings at the American Law Institute and the Council of the Americas as part of his effort to strengthen judicial practices in Argentina. Ambassador Wayne met with Lorenzetti on April 28 to discuss ways the Embassy might cooperate in strengthening Argentina's judicial reforms. Lorenzetti said he had already introduced public audiences by the Supreme Court, inspired by U.S. practices, and looks forward to learning from more U.S. best practices. Ambassador Wayne asked Lorenzetti about a recent "phishing" episode he suffered on his personal computer at the Supreme Court. Lorenzetti said an investigation is underway but that the incident is very disturbing. Lorenzetti is a serious reformer. It would be very worthwhile for U.S. officials to reach out to him during his visit. END SUMMARY.

Argentine National Judicial Management Reform Plan

12. (U) Ambassador Wayne met with Argentine Supreme Court President Dr. Ricardo Lorenzetti on April 28 to discuss developments in the National Judicial Management Plan announced at the beginning of the judicial year on February 15, 2008. The Chief Justice stressed the need for a concerted state policy under the leadership of the Supreme Court, to reform the judiciary in a consistent fashion, and the importance of training in bringing about a cultural change within the judicial community. Lorenzetti stated how the backlog of unresolved cases continues to increase, thus creating the need to examine reforms involving the court's case management system. Lorenzetti told the Ambassador that reforming the case management system (and reducing the case backlog) had led the Supreme Court to establish the National Commission on Judicial Management. As one example of how the U.S. experience might help, Ambassador Wayne described how the federal magistrate system in the U.S. has helped to increase judicial efficiency, resulting in the more expeditious resolution of court cases and increasing overall case management.

13. (U) The Ambassador talked with Lorenzetti about the annual Administration of Justice trip to the U.S. organized by the Embassy since 2001 under the "Justice Undergoing Change" rubric and the possibility of inviting some of the members of the Management's Plan technical team to participate this year. The Ambassador mentioned three other possible ways the Embassy might cooperate: 1) organizing speaker programs to "train the trainers" with specialists from U.S.

judicial institutions like the Federal Judiciary Center, and court clerks, including the Clerk for the District of Puerto Rico; 2) arranging distance education training programs through digital videoconferences; 3) bringing an evaluation expert to identify possible improvements in the implementation of the Judicial Management Plan. Lorenzetti said he was open to using all these channels.

14. (U) Justice Lorenzetti mentioned several new technological developments that would be introduced shortly, including digital notification and electronic payment systems, digitized Social Security and Tax Collecting procedures, and a new public process for purchasing hardware and software to be announced within the first semester by the National Council of Judges (in coordination with the Supreme Court).

Public Audiences

15. (U) Ambassador Wayne asked the Chief Justice about a recent public audience held before the Supreme Court on a freedom of expression case, and Lorenzetti answered that the public audience approach was based on that practiced by the U.S. Supreme Court. This was the result of a project he drafted following his trip to the U.S. last October when he met with Chief Justice Roberts and Justices Samuel Alito and Antonin Scalia.

Potential Trips to the U.S.

16. (U) Ambassador Wayne also spoke with Lorenzetti about the Chief Justice's next trip to the U.S. together with an Associate Justice, which will take place in May at the invitation of the Center for Strategic International Studies (CSIS) and with the financial support of the Embassy. Lorenzetti stressed the importance of this trip and another one scheduled for later this year which came as the result of an invitation by U.S. Federal Judge Anthony Sirica (who was recently in Argentina) to attend a session of the American Law Institute and Unidroit (an international legal association) in Philadelphia. Lorenzetti told the Ambassador on May 12 that he would travel to Washington DC the week of May 19 for two days of meetings at an American Law Institute seminar, which would describe best practices in case law. The Justice will then participate in a Council of Americas event in New York City.

Substitute National Judges

17. (SBU) The Ambassador also asked Lorenzetti for an update on the status of substitute national judges. (NOTE: Several years ago, the National Council of Judges put into practice a system of hiring substitute judges on a temporary basis to fill the gaps produced by a rash of retirements from the bench. The appointments were supposed to be temporary until permanent replacements were named according to constitutional procedures. Last year, however, the Supreme Court declared the system unconstitutional, extended its validity only to the end of May 2008, and gave Congress one year to fix the problem. END NOTE.) Lorenzetti said that even though the Executive Branch promised a solution by sending a bill to Congress, he is very skeptical about the outcome and hinted that the Supreme Court may extend for another year the term of validity of these substitute judges because of the government's delay.

Phishing Episode

18. (SBU) Ambassador Wayne asked the Chief Justice about a phishing episode he recently suffered on his personal computer at the Supreme Court, as reported in the media. Lorenzetti described the situation to the Ambassador, saying that it started with several emails he received in which he was asked to provide personal information to the Supreme Court's alleged Internet provider. After some administrative inquiries and a talk with the other Justices, Lorenzetti reported the situation to the criminal judiciary. Pagina

12 newspaper reported on May 4 2008 that a "Telmex" Internet provider's written communication to the Chief Justice had involved another user who was alleged to be a former agent of the State Secretary of Intelligence -SIDE - named Iván Germán Velázquez. On May 10-11 two other newspapers reported that these incidents were part of a broader pattern of electronic mail surveillance by GOA authorities, and one paper carried an interview with Velázquez saying he had been involved in some activities but was not responsible for the Supreme Court incident. On May 12 a Supreme Court source said the investigation continued but it appeared that some government element had been involved.

Justice Argibay's health

¶9. (U) The Ambassador expressed to the Chief Justice his concern about Associate Justice Carmen Argibay's health. Argibay had recently undergone an appendectomy followed by a mild heart attack. Lorenzetti told the Ambassador that Justice Argibay's condition was improving and that she was resting after returning home from the hospital.

Future Cooperation

¶10. (U) At the conclusion of the meeting, Lorenzetti thanked the Ambassador for all the support provided so far by the Embassy and indicated he would be in touch again in connection with future moves toward the implementation of the National Judicial Management Plan.

¶11. (SBU) Comment: Lorenzetti is serious about strengthening judicial independence in Argentina and reforming the system to improve efficiency. It would be very worthwhile for U.S. officials to reach out to him during his visit. End Comment
WAYNE